HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16956 of 2005

Date: 12-06-2006

Between :

G. Suryanarayana

… Petitioner/s

and

The Registrar of Mutually Aided

Cooperative Societies,

Krishna District at Machilipatnam.

…Respondent/s

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ORDER :

This writ petition is filed seeking Mandamus declaring the order dated 25-7-2005 passed by the Registrar of Mutually Aided Cooperative Societies/District Cooperative Officer, Krishna at Machilipatnam, disqualifying the petitioner as member of the Society under Section 21(6) of the A.P. Mutually Aided Cooperative Societies Act, 1995 (for brevity 'the Act').

Petitioner is the President of Gasni Atkuru Milk Producers Mutually Aided Cooperative Society Limited, Gani Atkuru, Kanchikacherla Mandal, Krishna District. The complaint of the petitioner is that initially no elections were conducted to the Society. Since the authorities have not taken any action, the General Body of the Society met and decided to conduct elections by appointing an Election Officer. At that stage, the present impugned order is passed disqualifying the petitioner and other members being the members of the Managing Committee, therefore, the present writ petition.

Admittedly, the impugned order does not indicate as to any opportunity was given to the petitioner and other members for explaining their case, nor they were issued any show cause notice as to why they should not be disqualified under the Act for being the members of the Society.

In view of the above, I am of the considered opinion that since no notice has been issued to the petitioner and other members before passing the impugned order, the same would amount to violative of the principles of natural justice. Therefore, the impugned order is liable to be set aside and accordingly set aside. However, the respondent authorities are at liberty to put the petitioner and other members on notice and pass appropriate orders as to their disqualification for being the members of the society in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(C.V. RAMULU, J)

12-06-2006.

Msr.

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(Msr)